

REMARKS

In response to the Office Action mailed August 3, 2009 (hereinafter "Office Action"), Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

I. Status

Claims 1-30, 32, 34, and 35, of which claims 1, 16, 23, and 34 are independent, are currently pending and under examination. The Office Action¹:

- 1) rejected claims 1-8, 15-17, 23, 24, 30, 32, and 34 under 35 U.S.C. § 102(b) as being anticipated by North Carolina Salary Control System Operator's Manual (hereinafter "SCS");
- 2) rejected claims 9, 10, 18-22, and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over SCS in view of General Ledger System, "Salary Encumbrances" (hereinafter "GLS");
- 3) rejected claims 11-14 under 35 U.S.C. § 103(a) as being unpatentable over SCS in view of Visual Rota, Cash Budgets & Budgetary Control," (hereinafter "Visual Rota"); and
- 4) rejected claim 35 under 35 U.S.C. § 103(a) as being unpatentable over SCS in view U.S. Patent No. 4,261,037 to Hicks (hereafter "Hicks").

II. Amendments to the Claims

In this response, Applicant amends claims 1, 16, 23, 34, and 35. The amendments are supported by Applicant's Specification at, for example, paragraphs [031]-[032]. No new matter has been introduced by these amendments.

¹ The Office Action contains a number of statements reflecting characterizations of the cited art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

III. Response to the Rejections

Applicant respectfully traverses the aforementioned rejections and requests reconsideration based on following reasons.

A. Rejection of claims 1, 16, 23, and 34

Applicant has amended the above claims by, among other things, incorporating in each of them language from previously pending claim 35. The Office Action, on pages 2 and 5, rejected the above claims under 35 U.S.C. § 102(b) as being anticipated by SCS. Moreover, on page 9, the Office Action rejected claim 35, which depends from claim 1, under 35 U.S.C. § 103(a) as being unpatentable over SCS, in view of Hicks. Therefore, Applicant responds to the rejection of claims 1, 16, 23, and 34 by addressing both of the above rejections which cite SCS and Hicks.

Applicant respectfully traverses the rejection under 35 U.S.C. § 102(b) because anticipation has not been properly established. In order to properly establish anticipation under 35 U.S.C. § 102, the Federal Circuit has held that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). See also MPEP § 2131.

Further, Applicant respectfully traverses the rejection under 35 U.S.C. § 103(a), because the Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John*

Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Specifically, the Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because it has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Claim 1

In its rejection of claim 1 on page 2, the Office Action stated that SCS teaches every element of claim 1. Applicant, however, contends that SCS at least does not teach or suggest, for example, a commitment engine that is for

evaluating a projected human resource budget for a given human resource object for a predefined period of time ... monitoring changes in said projected human resource budget during said predefined period of time, and providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time, wherein the commitment engine provides the automatic advance notification to the user by sending an email message to the user.

as recited in amended claim 1.

In its rejection of claim 35 on page 10, the Office Action admitted that “SCS does not explicitly teach wherein the commitment engine provides an automatic advance notification to a user by sending a message to the user.” However, the Office Action further asserted that

Hicks teaches comparing a projected budget with a predetermined budget and actively alerting a user if said projected budget exceeds said predetermined budget (see col. 3 lines-27- 42). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS to actively send a message if said projected budget exceeds said predetermined budget as taught by Hicks. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

Office Action, page 10. Applicant, however, contends that Hicks does not supply the above elements that are missing from SCS.

In Hicks, an "electronic circuitry monitors the electrical energy consumption of a system and displays the current cost of the energy usage. The projected monthly billing cost is calculated at the current rate of consumption, and an alarm signal is generated if the projected cost is higher than a budget amount." Hicks, Abstract. Therefore, as the excerpt cited the Office Action also indicates, Hicks merely generates an alarm signal, and does not provide an automatic advance notification to the user by sending an email message to the user. More specifically, in the only alarm mechanism described by Hicks, "the display [of Hick's system] will blink on and off rapidly to warn the user of over extended energy usage." Id., col. 7, ll. 56-57.

Applicant also maintains that SCS at least does not teach or suggest the other elements of claim 1 quoted above, as outlined on pages 13-15 of the Reply to Office Action filed on June 25, 2009. Applicant declines to reiterate those arguments herein but does not acquiesce to the Office Action's interpretation of SCS and reserves the right to present those arguments on appeal.

Therefore, for at least the above reasons, claim 1 is patentable over SCS and Hicks, whether considered individually or in combination. Applicant, thus, requests the withdrawal of the rejection of claim 1.

Claims 16, 23, and 34

The Office Action, on pages 2 and 5, stated that SCS teaches all elements of the above claims. Applicant respectfully disagrees. Amended claims 16, 23, and 34, although different from claim 1 in their scope, recite elements similar to those of amended claim 1. Therefore, for at least the reasons explained above, claims 16, 23,

and 34 are also patentable over the cited references. Applicant, thus, requests the above rejections to be withdrawn.

B. Rejection of Claims 2-8, 15, 17, 24, 30, and 32

The Office Action, on pages 2-5, rejected the above claims under 35 U.S.C. § 102(b) as being anticipated by SCS. Each of the above claims depends either directly or indirectly from, and therefore includes elements of, one of independent claims 1, 16, and 23. Thus, Applicant contends that, for at least the reasons stated above in relation to claims 1, 16, and 23, the above claims are also patentable over the cited references, and requests withdrawal of the above rejections.

C. Rejection of Claims 9, 10, 18-22, and 25-29

Each of the above claims depends either directly or indirectly from, and therefore includes elements of, one of independent claims 1, 16, and 23. The Office Action, on page 6, rejected the above claims under 35 U.S.C. § 103(a) as being unpatentable over SCS in view of GLS. Specifically, the Office Action relied on GLS to supply elements of each of the above claims that are admittedly missing from SCS. Applicant, however, contends that regardless of whether GLS supplies those elements, which the Applicant does not concede, GLS does not cure the deficiencies of SCS stated above. For example, GLS does not teach or suggest a commitment engine that is for

evaluating a projected human resource budget for a given human resource object for a predefined period of time ... monitoring changes in said projected human resource budget during said predefined period of time, and providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time, wherein the commitment engine provides the automatic advance notification to the user by sending an email message to the user,

as recited in amended claim 1. Therefore, Applicant submits that, for at least the reasons stated above in relation to claims 1, 16, and 23, the above claims are

patentable over the cited references, and requests the above rejections to be withdrawn.

D. Rejection of Claims 11-14

Each of the above claims depends indirectly from, and therefore includes elements of, independent claim 1. The Office Action, on page 7, rejected the above claims under 35 U.S.C. § 103(a) as being unpatentable over SCS in view of Visual Rota. Specifically, the Office Action relied on Visual Rota to supply elements of each of the above claims that are admittedly missing from SCS. Applicant, however, contends that regardless of whether Visual Rota supplies those elements, which the Applicant does not concede, Visual Rota does not cure the deficiencies of SCS stated above. For example, Visual Rota does not teach or suggest a commitment engine that is for

evaluating a projected human resource budget for a given human resource object for a predefined period of time ... monitoring changes in said projected human resource budget during said predefined period of time, and providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time, wherein the commitment engine provides the automatic advance notification to the user by sending an email message to the user,

as recited in amended claim 1. Therefore, Applicant submits that, for at least the reasons stated above in relation to claim 1, the above claims are patentable over the cited references, and requests the above rejections to be withdrawn.

D. Rejection of Claim 35

The Office Action, on page 9, rejected claim 35 under 35 U.S.C. 103(a) as being unpatentable over SCS in view of Hicks. However, Applicant contends that, claim 35 is patentable over SCS and Hicks, at least for the reasons stated above in relation to claim 1, from which claim 35 depends. Moreover, for reasons similar to those explained above, SCS and Hicks do not teach or suggest that the "email message to the user

includes detailed reasons for the notification and proposed remedy," as recited in claim 35.

Therefore, Applicant contends that, for at least the above reasons, claim 35 is also patentable over cited references.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 26, 2009

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